

II. REMARKS

It is respectfully submitted that Fig. 12A and the passage quoted in the Kobayashi reference fail to disclose a recursive inner encoder combined with the memoryless modulator as found in Kobayoshi. Terms like "convolutional encoder", "permutation" and "modulator with a constraint" as found in Kobayoshi are not the same.

In particular, "modulator with a constraint" does not imply a "memoryless modulator", nor does "permutation" and "convolutional encoder" imply "recursive". The Examiner is pointing at individually picked, unconnected features of prior art that are not even the same as the components of the present invention, and certainly would not in combination with Darmon result in the applications specifically claimed invention.

All of the independent claims 1, 7 and 10 recite the memoryless modulator and recursive inner encoder, which are not found in the references even when taken in combination. Thus the rejection of claims 1, 3-4, 10, 12 and 13-14 under 35 USC 103 on this combination of references should be withdrawn.

Similarly, Sturza fails to disclose the above features. Thus the rejection of claims 5 and 6 should be withdrawn.

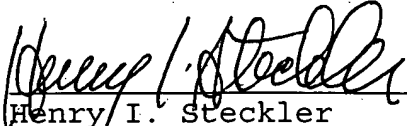
Also, Monogioudes fails to disclose the above features. Hence the rejection of claims 7-9 should be withdrawn.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should

any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


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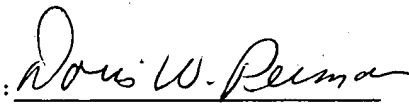
Aug 18, 2004
Date

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